

SUPREME COURT OF INDIA

Sarabjit Kaur

Vs.

Union of India

(S Bharucha and M Srinivasan JJ.)

19.07.1999

ORDER

1. In the writ petition filed by the petitioner there was, admittedly, no paragraph stating that the High Court at Punjab and Haryana had territorial jurisdiction. The High Court dismissed the writ petition for the reason that "it is not shown that cause of action or a part of the cause of action accrue to the petitioner within the territorial jurisdiction of this Court. It appears that the cause of action did not in fact arise within the jurisdiction of the High Court.
2. Learned Counsel for the petitioner submits that the High Court ought not to have dismissed the writ petition on this ground but ought to have helped the writ petitioner gain redress, having regard to the circumstances of the case. In this behalf, he refers to the Judgment of a learned single Judge of the High Court (1992) 1 Pun LR 579, where this view was taken.
3. The High Court must decide according to the law. The law mandate that it can issue directions if the cause of action or a part of it has arisen within its territorial jurisdiction. In the absence of an averment to that effect in the writ petition, and even on the facts of the case, the High Court was justified in dismissing the writ petition.
4. Learned Counsel now asks us to remand this matter to the High Court. He says that in the circumstances of the case that is the appropriate order to pass. It would be remarkable if we remand to a High Court a matter in respect of which we have already held that it has no jurisdiction.
5. The Special Leave Petition is dismissed.